

STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

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|---------------------------------------|---|----------------------------|
| In the Matter of: |) | Docket No. 97-AFC-1 |
| |) | |
| Application for Certification for the |) | <i>ERRATA</i> |
| HIGH DESERT Power Project |) | to the Revised Presiding |
| _____ |) | Member's Proposed Decision |

The Committee published its Revised Presiding Member's Proposed Decision (Revised PMPD) in the above-captioned matter on March 31, 2000. After considering written and oral comments submitted by the parties and the discussion at the April 18, 2000 Conference, we believe the following modifications to the Revised PMPD are appropriate.

Page references are to the Revised PMPD.

p. 3
line 23: add after ". . .members of the public.": "We have also incorporated Mr. Ledford's comments to the extent appropriate. We note, however, that many of his comments were based on an interpretation of the evidence which varied from ours, or would have required that we reach a decision not supported by the persuasive weight of the evidence."

p. 208
line 6: add at end: "Staff and Applicant confirmed, at the April 18, 2000 Conference, that project development would not hamper any remediation efforts."

p. 208
line 17: insert between "1/27/00 RT.)" and "Several public commentators. . .", the following:

"More specifically, Mr. Ledford believes: HDPP will receive twice the amount of water at a reduced rate than all other producers in the basin; a "will serve" letter providing for a continuous and uninterruptible source of water is necessary prior to project certification; CEQA analysis by the

water agencies is necessary; the project's water facilities are actually intended to serve the redevelopment of George Air Force Base; and the project's consumptive water use is prohibited by the California Constitution. (Ledford's April 14, 2000 comments, pp. 10-11.)"

p. 217: add to citations at end of first full paragraph: "see also, CDFG's April 14, 2000 comments on the Revised PMPD."

p. 221: add at end of footnote 45: "CDFG also endorsed the revised Conditions. (CDFG's April 14, 2000 comments.)"

p. 224: add as first sentence: "The law does not require that a project cure an area's existing problems (such as overdraft), but rather that it seek to minimize its impacts caused by changes to the existing physical conditions. [14 Cal. Code of Regs., § 15126.2(a).]"

p. 224: add as footnote at end of line 5: Although we require a "will serve" letter prior to the start of commercial operations (**SOIL & WATER-3**, *infra*), Mr. Ledford believes this agreement is needed prior to certification. (Ledford's April 14, 2000 comments, p.12.)

p. 225: second paragraph, revise first two sentences to read: "At the outset, we note the general matter of the impacts of importing SWP water into the basin has already been analyzed in the environmental documents underlying MWA's Regional Water Management Plan (Ex. 110, p. 2) and also as part of the CEQA review evaluating the recent transfer of additional SWP entitlements to MWA.⁵¹ On a more particularized level, i.e., the impacts of the HDPP project, uncontradicted testimony from . . ."

**p. 225
line 17:** revise to read, "Although various commentators have characterized the project as providing a needed economic stimulus to the area (10/7/99 RT 170-71) and vital to energizing redevelopment (2/18/00 RT 87), the testimony of record . . .".

**p. 226
lines 3-9:** delete

**p. 226
lines 10-11:** rephrase first sentence of paragraph to read: "The facts established. . . credibility of these speculations."

- p. 227:** add at end of footnote 53: "CDFG does not oppose certification which does not require well ownership by Applicant. (CDFG's April 14, 2000 comments.)"
- p. 227**
footnote 54: change "**SOIL & WATER-7.e**" to "**SOIL & WATER-1.e**".
- p. 241:** Verification to Condition **SOIL&WATER-1**, revise to read:
- Verification:** The project owner shall provide final design drawings of the project's water supply facilities to the CPM, for review and approval, thirty (30) days before commencing project construction. Verifying compliance with other elements of Condition **SOIL&WATER-1** shall be accomplished in accordance with the provisions of the Verifications for Conditions 2, 3, and 6, as appropriate.
- p. 241:** Condition **SOIL&WATER-2**, delete ". . . on an annual basis thereafter" and replace with ". . . within fifteen (15) days of any amendment or renewal of the storage agreement."
- p. 241:** Verification to above Condition, line 2: insert "(for the project's cooling water)" between ". . . for a storage agreement . . ." and ". . . with the Mojave Basin Area . . .".
- pp. 242, 245, 246, 249:** Add at end of "Verification" for Conditions **SOIL&WATER-5, 8, 9, 10, 17, 18, and 19:** "The CEC CPM shall provide notice that this material has been submitted to those identified on the project's compliance mailing list."
- p. 247:** Condition **SOIL&WATER-13**, line 4, change reference from "Condition **SOIL&WATER-2**" to "Condition **SOIL&WATER-12**."
- p. 251**
line 3: delete "and".
- p. 253**
lines 3-5: revise to read: ". . .with an increase in ambient temperature and the low humidity generally encountered at the project site.^{Fn.} The use of. . . because of operational factors. (citation)"
- p. 253:** add as footnote to the above: "The Applicant's testimony indicates an efficiency penalty ranging from 10 percent at 112 degrees to over 5 percent at 98 degrees. (2/18/00 RT 60.)"

- p. 254:** first full paragraph, line 2, add: “or eliminate” between “. . . could reduce . . .” and “. . . the amount . . .”
- p. 254:** first full paragraph, line 5, change “would result” to “could result”.
- p. 254:** first full paragraph, lines 10-11, revise to read: “. . . increased air emissions. (Ex. 85, p. 9.) While the evidence does not indicate that the foregoing would constitute significant impacts or impacts which could not be mitigated, it does show that these potential impacts . . . of wet cooling.”
- p. 255
line 2:** change “would” to “may”.
- p. 257
lines 20-22:** revise to read: “. . . possible cooling technologies. On balance, we are persuaded . . .”.
- p. 258:** Finding 2, line 2: change “would” to “could”.

Dated: _____

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

ROBERT A. LAURIE, Commissioner
Presiding Committee Member
High Desert AFC Committee

WILLIAM J. KEESE, Chairman
Associate Committee Member
High Desert AFC Committee